

LAWYERS FOR
CLEAN WATER

September 26, 2007

David C. Carlson, Ph.D.
Chief, NPDES Division
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive #200
Rancho Cordova, California 95670-6114

VIA ELECTRONIC MAIL TO: dcarlson@waterboards.ca.gov

Re: Tentative Order (27 August 2007) for City of Colfax Wastewater Treatment Plant, NPDES No. CA0079529; Cease and Desist from Discharging Contrary to Requirements, Order No. R5-2007-XXXX.

Dear Mr. Carlson and members of the Board:

Thank you for the opportunity to comment on the Central Valley Regional Water Quality Control Board's ("Regional Board") August 27, 2007, tentative order for the City of Colfax's National Pollution Discharge Elimination System ("NPDES") No. CA0079529 ("Draft Permit") and the accompanying cease and desist order requiring the City of Colfax's Wastewater Treatment Plant to Cease and Desist from Discharging Contrary to Requirements, Order No. R5-2007-XXXX ("Proposed CDO"). This comment letter is submitted by Allen Edwards, Nancy Edwards, and the Environmental Law Foundation (hereinafter referred to as the "Environmental Parties") and will provide comments on the Draft Permit and the CDO.

I. The Environmental Parties Draft Permit Comments

A. Nitrate Effluent Limitations

The Draft Permit contains an Interim Nitrate Nitrogen, Total (as N) Effluent Limitation of 16.76 mg/L (Draft Permit, Attachment F, p. F-50), and a Final Effluent Limitation of 10 mg/L monthly average (Draft Permit, Table 7, p. 11). The Draft Permit explains that in reaching the Interim Nitrate Effluent Limit, the Regional Board assumes that complete nitrification occurs in the existing wastewater treatment system, and that the new treatment plant may need a compliance schedule to meet the Final Effluent Limitation. See Draft Permit, Fact Sheet, p. F-50 & F-29 respectively. However, the

San Francisco

1004 A O'Reilly Ave, San Francisco CA 94129
t 415-440-6520 f 415-440-4155

Santa Monica

2515 Wilshire Blvd, Santa Monica CA 90403
t 310-829-1229 f 310-829-6820